

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION**

Case No. _____

APRIL MASSEY,

Plaintiff,

v.

DRURY HOTELS COMPANY, LLC,

Defendant.

NOTICE OF REMOVAL

TO: THE U.S. DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA

Defendant Drury Hotels Company, LLC (“Defendant”) respectfully shows the Court as follows:

1. Defendant is a party to a civil action brought against it in the Court of Commons Pleas of Greenville County, South Carolina entitled “April Massey v. Drury Hotels Company, LLC,” No.: 2022-CP-23-03771, which was commenced by the filing of the underlying state court summons and complaint on July 20, 2022.

2. This petition for removal is timely filed pursuant to 28 U.S.C. § 1446(b) in that it is filed within thirty (30) days of the date on which Defendant was served with the summons and complaint. In fact, it is filed within thirty (30) days of the date on which the suit was filed.

3. As per the representations in the Complaint, Plaintiff April Massey (“Plaintiff”) is a citizen and resident of Anderson County, South Carolina. (*See* Complaint, ¶ 1).

4. Defendant is a limited liability company organized and existing under the laws of the State of Nevada. Its principal place of business is in the State of Missouri; none of the members of the limited liability company are citizens of or maintain a principal place of business in the State of South Carolina.

5. For purposes of diversity jurisdiction, the citizenship of a limited liability company is determined by the citizenship of its members. *See Jennings v. HCR ManorCare, Inc.*, 901 F. Supp. 2d 649 (D.S.C. 2012). The members of Defendant are DDC Hotels, Inc., a Missouri corporation with its principal place of business in the State of Missouri, and DSW Industries, Inc., a Nevada corporation with its principal place of business in the State of Missouri.

6. The amount in controversy, exclusive of interest and costs, exceeds the sum of \$75,000.00. Basing her causes of action, Plaintiff alleges that she sustained “substantial injuries and damages” as well as “severe injuries and damages” and “severe injuries.” (*See* Complaint, ¶¶ 10, 17, and 23). Further, in her Prayer for Relief, Plaintiff claims that she suffered “severe physical injuries, medical damages, economic loss, emotional distress, pain and suffering, and general inconvenience.” (*See id.* at ¶ 24). Thus, the nature and alleged severity of the allegations set forth in the Complaint confirm that the jurisdictional amount is satisfied. *See Stiles v. Wal-Mart Stores, Inc.*, No. 3:10-cv-01472-JFA, 2010 U.S. Dist. LEXIS 58984, at *1-2 (D.S.C. June 15, 2010) (“When an unspecified amount of damages is claimed, the amount is satisfied for purposes of remand unless it appears to a legal certainty that the plaintiff cannot recover damages in excess of \$75,000.”). Further, in correspondence to Defendant, Plaintiff recently claimed damages in excess of \$75,000, confirming the jurisdictional threshold is met.

7. In light of the foregoing, the U.S. District Court for the District of South Carolina has original subject matter jurisdiction of this civil action pursuant to 28 U.S.C. § 1332 because there is complete diversity of citizenship among all of the properly joined parties, and the amount in controversy in this civil action, exclusive of interest and costs, exceeds the sum of \$75,000.00, in addition to seeking nonmonetary relief.

8. Pursuant to 28 U.S.C. § 1446(a), a copy of all process, pleadings, and orders received by the removing Defendant are attached hereto as **Exhibits A and B**.

Defendant Drury Hotels Company, LLC prays that the above case now pending against it in the Court of Commons Pleas of Greenville County, South Carolina be removed therefrom to this Honorable Court.

Respectfully Submitted,

August 5, 2022

/s/ James M. Dedman, IV

James M. Dedman, IV (S.C. Federal No. 9939)

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